Appl. No. 10/520,199   **Page 7 of 10**
Amendment and/or Response
Reply to Office action of 28 February 2007

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application. Claims 19 and 20 are newly added.

The applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

The Office action objects to the Specification, asserting that the Abstract is not provided on a separate sheet. The applicant notes that the Abstract was submitted on a separate sheet when the application was filed as a PCT application. The applicant is not responsible for the fact that the International Bureau did not forward the Abstract in the same form that the applicant provided. However, in the interest of advancing prosecution of this case, a replacement Abstract is included herein on a separate sheet.

The Office action objects to the Drawings for failing to recite text elements that appear in FIG. 3 in the specification. The applicant respectfully traverses this objection; there is no requirement to repeat all text that appears within a drawing in the specification.

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label numbers, and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

Appl. No. 10/520,199   Page 8 of 10
Amendment and/or Response
Reply to Office action of 28 February 2007

The Office action rejects claims 1-18 under 35 U.S.C. 112, second paragraph. The applicant respectfully traverses this rejection. The Office action asserts in a number of cases that the use of the definite article "the" renders the claim indefinite, and suggests that the word "the" be replaced by "said". The applicant respectfully disagrees with this assertion. When a proper antecedent basis is provided for a term in the claims, a reference to this term with the definite article "the" is unambiguous.

The Office action rejects claims 14 and 18 under 35 U.S.C. 101. The applicant respectfully traverses this rejection.

Claim 14 claims "a method according to claim 1". If claim 1 is directed to patentable subject matter, claim 14 must also be directed to patentable subject matter, because they are each directed to the same subject matter. The particular elements of a claim do not affect the subject matter of the claim under 35 U.S.C. 101.

Claim 18 claims a computer readable medium, and not software per se, as asserted in the Office action. A computer readable medium is an item of manufacture and thus is clearly patentable subject matter under 35 U.S.C. 101.

The Office action rejects claims 1-18 under 35 U.S.C. 102(b) over Hewagamage et al. ("Augmented Album: Situation-dependent System for a Personal Digital Video/Image Collection", hereinafter Hewagamage). The applicant respectfully traverses this rejection.

MPEP 2131 states:

> "A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Hewagamage fails to teach associating a classification parameter to a data object when a source parameter of the object satisfies at least one criterion, as specifically claimed in claim 1, upon which claims 2-16 and 18 depend. Claim 17 includes a similar limitation.

Appl. No. 10/520,199   Page 9 of 10
Amendment and/or Response
Reply to Office action of 28 February 2007

Hewagamage teaches associating location, time, and event parameters to a data object. The Office action asserts that Hewagamage's location and time correspond to the applicant's claimed source parameter, and that Hewagamage's event parameter corresponds to the applicant's claimed classification parameter. The applicant respectfully disagrees with this assertion.

Hewagamage specifically teaches that each of the parameters associated with an object are independent parameters that are each associated with the data object. That is, each of the location, time, and event parameters is a source parameter. Hewagamage specifically teaches that the user defines the (optional) event parameter:

> "If there are some evidences to guess the corresponding events in the personal scheduler application, they are analyzed using the system knowledge base to form questions for interaction with the user. The system also guesses the user's status by monitoring the noise level before SEC [Secretariat Agent] communicates with the user." (Hewagamage, page 324, right column, lines 27-33.)

The Office action asserts that Hewagamage teaches that "pictures taken in same location and with insignificant time differences are grouped in same event", but provides no evidence for this assertion. The applicant respectfully notes that the above referenced teaching of Hewagamage obtaining the event parameter from the user, and Hewagamage's subsequent teachings regarding retrieval based on location, time, and/or event contradicts this assertion.

Because Hewagamage fails to teach associating a classification parameter to a data object when a source parameter of the object satisfies at least one criterion, as specifically claimed in claims 1 and 17, the applicant respectfully maintains that the rejection of claims 1-18 under 35 U.S.C. 102(b) over Hewagamage is unfounded, per MPEP 2131, and should be withdrawn.

Appl. No. 10/520,199   **Page 10 of 10**
Amendment and/or Response
Reply to Office action of 28 February 2007

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/
Robert M. McDermott, Esq.   **Please direct all correspondence to:**
Registration Number 41,508   Yan Glickberg, Esq.
Phone: 804-493-0707   Philips Intellectual Property and Standards
Fax: 215-243-7525   P.O. Box 3001
                                             Briarcliff Manor, NY 10510-8001
                                             Phone: (914) 333-9618
                                             Fax: (914) 332-0615